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Attorney's Docket No.: CJM 9637

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SURVEYING POLE

~~the specification of which:~~

(check one)

☐ is attached hereto

☒ was filed on August 25, 2000 as Application Serial No. 09/648,942, and was amended on _____.

☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY CLAIMED

| | | |
|-------------------|--------------------|---------------------------------|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |

PRIORITY NOT CLAIMED

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

| | | |
|-------------------|--------------------|---------------------------------|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) |
|-------------------|--------------------|---------------------------------|

CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| | |
|-------------------------------|------------------------|
| _____ (Application Number) | _____ (Filing Date) |
| _____ (Application Number) | _____ (Filing Date) |

CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S) UNDER 35 U.S.C. 120

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| | | |
|-----------------------|------------------------|---|
| _____ (Serial No.) | _____ (Filing Date) | _____ (Status: patented, pending, abandoned) |
| _____ (Serial No.) | _____ (Filing Date) | _____ (Status: patented, pending, abandoned) |

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Irving Powers (15,700), Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), G. Harley Blosser (33,650), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Joseph A. Schaper (30,493), Kathleen M. Petrillo (35,076), David E. Crawford, Jr. (38,118), Paul A. Maddock (37,877), Richard L. Bridge (40,529), Christopher M. Goff (41,785), James E. Butler (40,931), Derick E. Allen (43,468), Matthew L. Cutler (43,574), Michael G. Munsell (43,820), Karen Y. Hui (44,785), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Sarah J. Chickos (46,157), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Michael J. Thomas (39,857), Kathryn J. Doty (40,593), and Laura R. Polcyn (47,000), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.



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Kurt F. James
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Stephen B. Crain

Inventor's signature Stephen B. Crain Date 11-3-2000

Residence Cape Girardeau, Missouri 63701 Citizenship U.S.A.

Post Office address 3035 Keystone Drive

Cape Girardeau, Missouri 63701

Full name of second joint inventor Ronnie D. Everly

Second inventor's signature Ronnie D. Everly Date 11/3/00

Residence Mounds, Illinois 62964 Citizenship U.S.A.

Post Office address 1403 Shiloh Road

Mounds, Illinois 62964



Full name of third joint inventor Larry W. Essex

Inventor's signature [Signature] Date 11-3-00

Residence Villa Ridge, Illinois 62996 Citizenship U.S.A.

Post Office address 3937 Shiloh Road

Villa Ridge, Illinois 62996

Full name of fourth joint inventor Ralph C. Mize

Second inventor's signature [Signature] Date 11-3-2000

Residence Mounds, Illinois 62964 Citizenship U.S.A.

Post Office address 2074 Olive Branch Road

Mounds, Illinois 62964

Full name of fifth joint inventor Jerry L. Williamson

Second inventor's signature [Signature] Date 11/3/00

Residence Olmsted, Illinois 62970 Citizenship U.S.A.

Post Office address 368 Logan Road

Olmsted, Illinois 62970



[Handwritten signature]

APPLICANT OR PATENTEE: Stephen B. Crain, et al.

ATTORNEY'S DOCKET NO.: CJM 9637

SERIAL OR PATENT NO.: 09/648,942

FILED OR ISSUED: August 25, 2000

FOR: SURVEYING POLE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act
on behalf of the concern identified below:

NAME OF CONCERN: Crain Enterprises, Inc.
ADDRESS OF CONCERN: 100 Ohio Avenue, Mound City, Illinois 62963

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SURVEYING POLE by inventors Stephen B. Crain, Ronnie D. Everly, Larry W. Essex, Ralph C. Mize and Jerry L. Williamson described in:

- ☐ the specification filed herewith
- ☒ Application Serial No. 09/648,942, filed August 25, 2000.
- ☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by an person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

* NOTE: *Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

FULL NAME: _____

ADDRESS: _____

☐ Individual

☐ Small Business
Concern

☐ Nonprofit
Organization

FULL NAME: _____

ADDRESS: _____

☐ Individual

☐ Small Business
Concern

☐ Nonprofit
Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Stephen B. Crain

TITLE OF PERSON OTHER THAN OWNER: President & CEO

ADDRESS OF PERSON SIGNING: 100 Ohio Avenue, Mound City, Illinois 62963

SIGNATURE: Stephen B Crain

DATE: Nov 3, 2000

